

REGULAR MEETING OF THE BOARD OF APPEALS
CITY OF HUDSON
Wednesday, April 24, 2019

The Board of Appeals meeting was called to order by Chairman Neset at 5:00 p.m.

PRESENT. Breanne Berning, Nick Hallbeck, Jon Huhn, Mary Claire Potter, and Karen Neset.

ABSENT. Carah Koch.

OTHERS PRESENT. Fred Yoerg, Mark Joseph, Jeffrey Bolte, Chris Libbey, Lars Glockzin, DuWayne Bakke, Patricia Bakke, Brett Bakke, Ryan Cari, Emily Sorenson, Tiffany Weiss, Michael Johnson, and others present.

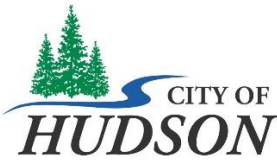
Discussion and possible action on September 26, 2018 meeting minutes. Motion by Potter, seconded by Berning to approve the minutes of the September 26, 2018 Board of Appeals meeting. All ayes (5-0). Motion Carried.

Public Hearing on a variance application by DPB Investment Partnership requesting a variance for a reduced parking lot setback from a proposed building (§255-48.E.11) at 614 & 620 Third Street, Appeal No. 241. Neset read the public hearing notice aloud and opened the public hearing. Neset requested the applicant present the variance request. Lars Glockzin, project architect, introduced himself and stated that the applicant is requesting a variance for a parking lot setback reduction to 1' 5". Neset asked for more details on the applicant's narrative stating, "regardless of the size and scope of the project, that parking at or near the building is required to meaningfully re-develop the affected lots". Ryan Cari, Heywood, Cari, & Anderson SC, reviewed the proposed project and stated that the apartment building is compatible with surrounding land uses and the B-3, central business district. Cari discussed the need for a variance and the choice of the applicant to request a parking setback variance instead of a reduction in parking stalls. The applicant has prioritized side and rear yard setbacks to harbor friendlier relations with neighboring properties. Discussion was held regarding the feasibility of reducing the building size or number of dwelling units. Cari and Glockzin noted that a reduction in the building footprint size would prevent the feasibility of building an underground parking garage. Safety concerns and parking distances from buildings were discussed.

Johnson reviewed staff comments noting that multiple renditions of the site layout had been reviewed by staff. Johnson stated that a letter dated April 15, 2019 was received from the Hudson Alano Society and would be placed on record.

Discussion was held regarding the feasibility of reducing the number of dwelling units as well as parking requirements. Huhn confirmed that the on-site parking would be for residents only. Glockzin noted that the proposed site layout is intended to improve circulation through the alley and provide a connection to Locust Street.

Chris Libby, Hudson Alano Society Building Committee Chair, stated concerns regarding traffic flow, alley width, and maintenance costs. Johnson said that many of these concerns will be discussed at other committee meetings.



REGULAR MEETING OF THE BOARD OF APPEALS
CITY OF HUDSON
Wednesday, April 24, 2019

Fred Yoerg, 322 Locust Street, expressed concerns for inadequate parking. Yoerg noted that the neighboring apartment complex, owned by the Bakke family, often has tenants parking on the street. Yoerg expressed concerns about the parking of large items such as boat trailers and campers as well as emergency access. DuWayne Bakke, applicant, stated that their neighboring property provides the required one parking stalls and that he cannot control who parks on the street. Glockzin stated that the parking layout in the neighboring lot could be reviewed and improved.

Cari reiterated that the proposed project meets parking stall requirements and that the applicant is only requesting a variance to reduce the parking setback from the building from 10 ft. to 1 ft. 5 in.

Motion by Potter, seconded by Hallbeck to close the hearing. All ayes (5-0). Motion Carried.

Discussion and Possible Action on a variance application by DPB Investment Partnership requesting a variance for a reduced parking lot setback from a proposed building (§255-48.E.11) at 614 & 620 Third Street, Appeal No. 241.

Potter noted that without a variance the applicant is subject to hardship due to the property and project limitations. Hallbeck stated that he did not disagree but queried if it would be possible to adjust the building units to reduce the required parking stalls. Potter noted the minimal impact of the variance request, because it would only be applied to approximately four parking stalls. Neset reviewed that the applicant stated a reduction in the building size would negatively impact the underground parking facility. Johnson noted that code does require a portion of the parking stalls to be covered stalls. Hallbeck inquired if staff had any safety concerns for a reduced parking setback. Johnson stated that safety concerns could be overcome with design improvements. Discussion was held regarding parking near downtown buildings.

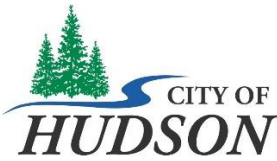
Motion by Potter, seconded by Huhn to grant a variance for the reduction of the parking setback from 10 feet to one foot and five inches (1' 5") for the stalls within 10 feet of the building (City Code 255-48(E)(11)) at 614 and 620 Third Street.

Decision Criteria:

The applicant has requested a variance pursuant to City of Hudson Municipal Code §255-48(E)(11) to reduce the parking setback from 10 feet to one foot and five inches (1' 5").

- I) *Denial of variance would result in hardship to the property owner due to physical characteristics of the site.*

The Applicant has submitted the best site layout proposal for the multi-family use of the property while prioritizing side and rear yard setbacks. The site layout requires a setback variance from the building with safety concerns being met. The Applicant contends that regardless of the size and scope of the project, that parking at or near the building is required to meaningfully re-develop the affected lots.



REGULAR MEETING OF THE BOARD OF APPEALS
CITY OF HUDSON
Wednesday, April 24, 2019

- II) *The conditions upon which a petition for a variance is based are unique to the property for which variation is being sought.*

Literal enforcement of the ordinance would create unnecessary hardship for Applicant. The property presents a unique combination of limitations including lot space, conformation, and parking lot layout. The combination of parking stall numbers and covered parking space requirements results in a need for a variance for the parking lot setback. The Applicant has expressed that they have gone to great lengths to provide the required off-street parking for the project, including the construction of an underground parking structure. The Board of Appeals stated that a reduction in the building size would not reduce the number of required parking stalls and would negatively impact the underground parking facility which provides needed parking.

- III) *The petition for a variance is not based exclusively upon a desire to increase the value or income potential of the property.*

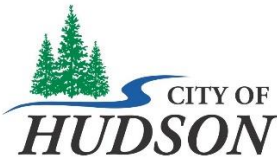
There is no indication that the purpose of the requested variance is based on motivations to gain value or income. The applicant has made every effort to configure the site layout to meet city code requirements.

- IV) *The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.*

The requested variance is not believed to be detrimental to adjacent properties or the public welfare. It is believed that the related project will improve the neighborhood. The Board of Appeals stated that the development is consistent with neighboring multi-family buildings. The applicant has stated that building and resident safety will be addressed with cement filled bollards. Any additional site concerns beyond the requested variance will be examined by the proper committee.

- V) *The proposed variance will not jeopardize the spirit and general and specific purposes of the Zoning Code.*

The requested variance is not believed to undermine the spirit of the Zoning Code. The Board of Appeals stated that minimal parking stalls were to be impacted by the parking setback. Additionally, safety concerns will be upheld and addressed by the applicant.



REGULAR MEETING OF THE BOARD OF APPEALS
CITY OF HUDSON
Wednesday, April 24, 2019

Approval is granted with the following conditions:

1. Property owner must obtain certificate of compliance approval from the Plan Commission and Common Council for a multiple-family structure as required by City of Hudson Municipal Code §255-57(A).
2. Property owner must obtain final development plan approval from Plan Commission and Common Council.
3. Property owner must obtain all applicable Building Permits and State Plan Approvals.
4. Any omissions of any conditions not listed shall not release the property owner/developer from abiding by City Ordinances.
5. All conditions run with the land and are binding upon the property owner and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original property owner from meeting any conditions.

Ayes (5-0). Motion Carried.

COMMUNICATIONS AND ITEMS FOR FUTURE AGENDAS.

Sorenson noted that there would no longer be a need to have a meeting in May due to a potential applicant withdrawing their application.

ADJOURNMENT.

Motion by Potter, seconded by Berning to adjourn at 5:45 p.m. All ayes (5-0). Motion Carried.

Respectfully submitted,
Emily Sorenson, Acting Secretary